

Article - Health Occupations

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§11-313.

Subject to the hearing provisions of § 11-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (3) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (4) Abandons a patient;
- (5) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (7) Willfully makes or files a false report or record in the practice of optometry;
- (8) Willfully fails to file or record any optometric report as required by law;
- (9) Willfully impedes or obstructs the filing or recording of any optometric report as required by law;
- (10) Willfully induces another to fail to file or record any optometric report as required by law;

- (11) Fails to provide details of the optometric record of a patient to a physician or another optometrist on proper request by the patient;
- (12) Employs another person as a solicitor of business;
- (13) Splits or agrees to split a fee for optometric services with any person for bringing or referring a patient;
- (14) Makes a willful misrepresentation in treatment;
- (15) Aids an unauthorized person in the practice of optometry;
- (16) Grossly and willfully:
 - (i) Overcharges for optometric services; or
 - (ii) Submits false statements to collect fees for which services are not provided;
- (17) Behaves immorally in the practice of optometry;
- (18) Is professionally, physically or mentally incompetent;
- (19) Advertises in a false or misleading manner;
- (20) Has had a license to practice optometry denied, suspended or revoked in another state for an act which would be grounds for disciplinary action under this section;
- (21) Has violated any provision of this title;
- (22) Violates any rule or regulation adopted by the Board;
- (23) Commits an act of unprofessional conduct in the practice of optometry;
- (24) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;
- (25) Willfully engages in conduct that is likely to deceive, defraud, or harm the public;

(26) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article; or

(27) Engages in conduct which exhibits an inappropriate standard of care.

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